

ASSEMBLY BILL

No. 2598

Introduced by Assembly Member Brownley

February 19, 2010

An act to add Section 6315 to the Public Resources Code, relating to tidelands and submerged lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 2598, as introduced, Brownley. Tidelands and submerged lands: sea level action plan.

Existing law grants to various local entities the right, title, and interest of the State of California in and to certain tidelands and submerged lands in trust generally for purposes of commerce, navigation, and fisheries, and for other public trust purposes.

This bill would require each trustee of granted public trust lands to prepare a sea level action plan by July 1, 2011, and submit the plan to the Natural Resources Agency, the Governor's Office of Planning and Research, and the State Lands Commission. The bill would require the plan to include, among other things, an assessment of the impact of sea level rise on granted public trust lands, an estimate of the financial cost of this impact, and strategies to prevent or mitigate damage to development and infrastructure.

By requiring a trustee of granted public trust lands, a local entity, to prepare a sea level action plan, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Upon admission to the United States, and as incident of its
4 sovereignty, the State of California received title to the tidelands,
5 submerged lands, and beds of navigable waterways within its
6 borders to be held subject to the public trust doctrine for statewide
7 public purposes, including commerce, navigation, fisheries,
8 preservation of lands in their natural state, and other recognized
9 public trust uses.

10 (b) Most of California's public ports, harbors, and marinas are
11 operated and managed on the state's public lands pursuant to a
12 legislative trust grant to a local or regional public entity.

13 (c) A trustee of granted public trust lands is charged with
14 managing the state's granted public trust lands on behalf of the
15 state for the benefit of all the people of California.

16 (d) California's ports, harbors, and marinas are a vital
17 component to the state's and the nation's economic and social
18 well-being.

19 (e) The effects of climate change and sea level rise will have
20 significant implications for the state's economic and social future.

21 SEC. 2. Section 6315 is added to the Public Resources Code,
22 to read:

23 6315. (a) By July 1, 2011, a trustee of granted public trust
24 lands shall prepare a sea level action plan. The plan shall include
25 all of the following:

26 (1) An assessment of the impact of sea level rise on granted
27 public trust lands.

28 (2) Maps showing the areas that may be affected by sea level
29 rise that may occur in 50 years and in 50 years. These maps shall
30 include the potential impacts of 100-year storm events.

1 (3) An estimate of the financial cost of the impact of sea level
2 rise on granted public trust lands. The estimate shall consider, but
3 is not limited to, both the potential cost of repair of damage to and
4 value of lost use of improvements and land and the anticipated
5 cost to prevent or mitigate potential damage.

6 (4) Strategies to prevent or mitigate damage to existing
7 development and infrastructure.

8 (5) Design standards that would avoid impacts to new
9 development and infrastructure.

10 (6) Implementation measures and timetables.

11 (b) In preparing a sea level action plan, a trustee shall conduct
12 at least one public hearing and consult with its lessees, local, state,
13 and federal agencies, and other users of the granted public trust
14 lands.

15 (c) A copy of the plan shall be submitted to the Natural
16 Resources Agency, the Governor's Office of Planning and
17 Research, and the State Lands Commission.

18 SEC. 3. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.